

114TH CONGRESS
1ST SESSION

H. R. 2395

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2015

Mr. CHAFFETZ (for himself, Mr. CUMMINGS, and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend the Inspector General Act of 1978 to strengthen the independence of the Inspectors General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Inspector General Empowerment Act of 2015”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Additional authority provisions for Inspectors General.

Sec. 3. Additional responsibilities of the Council of the Inspectors General on Integrity and Efficiency.

See. 4. Paperwork Reduction Act exemption.

Sec. 5. Amendments to the Inspector General Act of 1978 and the Inspector General Reform Act of 2008.

Sec. 6. Reports required.

Sec. 7. Public release of misconduct report.

1 **SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**

2 **TORS GENERAL.**

3 (b) SUBPOENA AUTHORITY FOR INSPECTORS GEN-
4 ERAL TO REQUIRE TESTIMONY OF CERTAIN PERSONS.—

5 The Inspector General Act of 1978 (5 U.S.C. App.) is
6 amended—

7 (1) by inserting after section 6 the following
8 new section:

9 **“SEC. 6A. ADDITIONAL AUTHORITY.**

10 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
11 dition to the authority otherwise provided by this Act and
12 in accordance with the requirements of this section, each
13 Inspector General (and each Special Inspector General not
14 established under this Act), in carrying out the provisions
15 of this Act (or in the case of a Special Inspector General,
16 the provisions of the authorizing statute), is authorized
17 to require by subpoena the attendance and testimony of
18 certain witnesses, including a contractor with the Federal
19 Government or a designated Federal entity and any
20 former Federal employee or employee of a designated Fed-
21 eral entity (but not including any Federal employee), nec-
22 essary in the performance of the functions assigned by this
23 Act, which subpoena, in the case of contumacy or refusal

1 to obey, shall be enforceable by order of any appropriate
2 United States district court.

3 “(b) NONDELEGATION.—The authority to issue a
4 subpoena under subsection (a) may not be delegated.

5 “(c) LIMITATION.—The authority to issue a subpoena
6 under subsection (a) is limited to an investigation of fraud
7 or waste in excess of \$100,000 unless there is reasonable
8 cause to believe a crime has been committed.

9 “(d) PANEL REVIEW BEFORE ISSUANCE.—

10 “(1) APPROVAL REQUIRED.—

11 “(A) REQUEST FOR APPROVAL BY SUB-
12 POENA PANEL.—Before the issuance of a sub-
13 poena described in subsection (a), an Inspector
14 General shall submit a request for approval to
15 issue a subpoena to a panel (in this section, re-
16 ferred to as the ‘Subpoena Panel’), which shall
17 be comprised of three Inspectors General of the
18 Council of the Inspectors General on Integrity
19 and Efficiency, who shall be designated by the
20 Inspector General serving as Chairperson of the
21 Council.

22 “(B) REASONABLE CAUSE.—Any request
23 submitted by an Inspector General under sub-
24 paragraph (A) shall demonstrate reasonable
25 cause that each witness requested by the sub-

1 poena possesses information pertinent and nec-
2 essary to the investigation.

3 “(C) PROTECTION FROM DISCLOSURE.—
4 The information contained in the request sub-
5 mitted by an Inspector General under subpara-
6 graph (A) and the identification of a witness
7 shall be protected from disclosure to the extent
8 practicable.

9 “(2) TIME TO RESPOND.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Subpoena Panel shall
12 approve or deny a request for approval to issue
13 a subpoena not later than 10 days after the
14 submission of such request.

15 “(B) ADDITIONAL INFORMATION FOR
16 PANEL.—If the Subpoena Panel determines
17 that additional information is necessary to ap-
18 prove or deny such request, the Subpoena Panel
19 shall request such information and shall ap-
20 prove or deny such request not later than 20
21 days after the submission of such request.

22 “(3) DENIAL BY PANEL.—If a majority of the
23 Subpoena Panel denies the approval of a subpoena,
24 that subpoena may not be issued.

25 “(e) NOTICE TO ATTORNEY GENERAL.—

1 “(1) IN GENERAL.—If the Subpoena Panel ap-
2 proves a subpoena under subsection (d), the Inspec-
3 tor General shall notify the Attorney General that
4 the Inspector General intends to issue the subpoena.

5 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
6 GOING INVESTIGATION.—The Attorney General shall
7 approve or deny the issuance of a subpoena. If the
8 Attorney General denies the issuance of the sub-
9 poena, the subpoena may not be issued. The Attor-
10 ney General shall make every effort to issue an ap-
11 proval or denial under this paragraph within 30 days
12 after notification by the Inspector General under
13 paragraph (1).

14 “(3) ISSUANCE OF SUBPOENA.—An Inspector
15 General may not issue a subpoena under this section
16 unless the Attorney General approves the issuance of
17 the subpoena.

18 “(f) REGULATIONS.—The Chairperson of the Council
19 of the Inspectors General on Integrity and Efficiency, in
20 consultation with the Attorney General, shall prescribe
21 regulations to carry out the purposes of this section.”; and

22 (2) in section 5(a)—

23 (A) in paragraph (15), by striking “; and”
24 and inserting a semicolon;

(B) in paragraph (16), by striking the period at the end and inserting “; and”; and

(C) by inserting at the end the following new paragraph:

5 “(17) a description of the use of subpoenas for
6 the attendance and testimony of certain witnesses
7 authorized under section 6A.”.

8 (b) MATCHING PROGRAM EXCEPTION FOR INSPEC-
9 TORS GENERAL.—Section 6(a) of the Inspector General
10 Act of 1978 (5 U.S.C. App.) is amended—

11 (1) in paragraph (8), by striking “; and” and
12 inserting a semicolon;

17 “(9) notwithstanding paragraph (12) of sub-
18 section (e) and subsections (o), (p), (q), (r), and (u)
19 of section 552a of title 5, United States Code—

20 “(A) to compare, through a matching pro-
21 gram (as defined in such section), any Federal
22 records with other Federal or non-Federal
23 records, while conducting an audit, investiga-
24 tion, inspection, evaluation, or other review au-
25 thorized under this Act to identify weaknesses

1 that may lead to waste, fraud, or abuse and to
2 detect improper payments and fraud; and
3 “(B) to take action to protect any informa-
4 tion collected pursuant to subparagraph (A);
5 and”.

6 **SEC. 3. ADDITIONAL RESPONSIBILITIES OF THE COUNCIL**
7 **OF THE INSPECTORS GENERAL ON INTEG-**
8 **RITY AND EFFICIENCY.**

9 (a) FUNCTIONS AND DUTIES OF COUNCIL.—Section
10 11(c)(1) of the Inspector General Act of 1978 (5 U.S.C.
11 App.) is amended—

12 (1) in subparagraph (G), by striking “; and”
13 and inserting a semicolon;
14 (2) by redesignating subparagraph (H) as sub-
15 paragraph (I); and

16 (3) by inserting after subparagraph (G) the fol-
17 lowing new subparagraph:

18 “(H) receive, review, and mediate any dis-
19 putes submitted in writing to the Council by an
20 Office of Inspector General regarding an audit,
21 investigation, inspection, evaluation, or project
22 that involves the jurisdiction of more than one
23 Federal agency or entity; and”.

1 (b) INTEGRITY COMMITTEE.—Section 11(d) of the
2 Inspector General Act of 1978 (5 U.S.C. App.) is amend-
3 ed—

4 (1) in paragraph (5)—

5 (A) in subparagraph (B), by striking “;”
6 and” and inserting a semicolon;

7 (B) in subparagraph (C), by striking the
8 period at the end and inserting “; and”; and

9 (C) by inserting at the end the following
10 new subparagraph:

11 “(D) not later than 60 days after the date
12 on which an allegation of wrongdoing is re-
13 ceived by the Integrity Committee, make a de-
14 termination whether the Integrity Committee
15 will initiate an investigation of such allegation
16 under this subsection.”;

17 (2) in paragraph (6)(B)(i), by striking “may”
18 and inserting “shall”; and

19 (3) in paragraph (7)—

20 (A) in subparagraph (B)(i)—

21 (i) in subclause (III), by striking “;”
22 and” and inserting a semicolon;

23 (ii) in subclause (IV), by striking the
24 period at the end and inserting a semi-
25 colon; and

(iii) by inserting at the end the following new subclauses:

10 (B) by redesignating subparagraph (C) as
11 subparagraph (E); and

12 (C) by inserting after subparagraph (B)
13 the following new subparagraphs:

“(C) COMPLETION OF INVESTIGATION.—If
a determination is made under paragraph (5) to
initiate an investigation, the Integrity Com-
mittee—

18 “(i) shall complete the investigation
19 not later than six months after the date on
20 which the Integrity Committee made such
21 determination;

22 “(ii) if the investigation cannot be
23 completed within such six-month period,
24 shall—

1 “(I) promptly notify the congres-
2 sional committees listed in paragraph
3 (8)(A)(iii); and

4 “(II) to the maximum extent
5 practicable, complete the investigation
6 not later than 3 months after the ex-
7 piration of the six-month period; and
8 “(iii) if the investigation cannot be
9 completed within such nine-month period,
10 shall brief the congressional committees
11 listed in paragraph (8)(A)(iii) every thirty
12 days until the investigation is complete.

13 “(D) CONCURRENT INVESTIGATION.—If an
14 investigation of an allegation of wrongdoing
15 against an Inspector General or a staff member
16 of an Office of Inspector General described
17 under paragraph (4)(C) is initiated by a gov-
18 ernmental entity other than the Integrity Com-
19 mittee, the Integrity Committee may conduct
20 any related investigation for which a determina-
21 tion to initiate an investigation was made under
22 paragraph (5) concurrently with the other gov-
23 ernment entity.”.

1 (c) TECHNICAL CORRECTION; DESIGNEE AUTHOR-
2 ITY.—Section 11 of the Inspector General Act of 1978 (5
3 U.S.C. App.) is amended—

4 (1) in subsection (b)(1)(B) by striking “Direc-
5 tor of National Intelligence” and inserting “Intel-
6 ligence Community”; and

7 (2) in subsection (d)(2)—

8 (A) in subparagraph (C), by inserting “or
9 the designee of the Special Counsel” before the
10 period at the end; and

11 (B) in subparagraph (D), by inserting “or
12 the designee of the Director” before the period
13 at the end.

14 **SEC. 4. PAPERWORK REDUCTION ACT EXEMPTION.**

15 Section 3518(c) of title 44, United States Code, is
16 amended—

17 (1) in paragraph (1), by striking “paragraph
18 (2)” and inserting “paragraph (3)”;

19 (2) by redesignating paragraph (2) as para-
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing new paragraph:

23 “(2) Notwithstanding paragraph (3), this subchapter
24 shall not apply to the collection of information during the
25 conduct of any evaluation, or other review conducted by

1 the Recovery Accountability and Transparency Board, or
2 during the conduct of any audit, investigation, inspection,
3 evaluation, or any other review conducted by the Council
4 of the Inspectors General on Integrity and Efficiency or
5 any Office of Inspector General, including any Office of
6 Special Inspector General.”.

7 **SEC. 5. AMENDMENTS TO THE INSPECTOR GENERAL ACT**
8 **OF 1978 AND THE INSPECTOR GENERAL RE-**
9 **FORM ACT OF 2008.**

10 (a) INCORPORATION OF PROVISIONS FROM THE IN-
11 SPECTOR GENERAL REFORM ACT OF 2008 INTO THE IN-
12 SPECTOR GENERAL ACT OF 1978.—

13 (1) AMENDMENT.—Section 11(d) of the Inspec-
14 tor General Act of 1978 (5 U.S.C. App.) is amended
15 by adding at the end the following new paragraph:

16 “(12) ALLEGATIONS OF WRONGDOING AGAINST
17 SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

18 “(A) SPECIAL COUNSEL DEFINED.—In this
19 paragraph, the term ‘Special Counsel’ means
20 the Special Counsel appointed under section
21 1211(b) of title 5, United States Code.

22 “(B) AUTHORITY OF INTEGRITY COM-
23 MITTEE.—

24 “(i) IN GENERAL.—An allegation of
25 wrongdoing against the Special Counsel or

1 the Deputy Special Counsel may be re-
2 ceived, reviewed, and referred for investiga-
3 tion by the Integrity Committee to the
4 same extent and in the same manner as in
5 the case of an allegation against an Inspec-
6 tor General (or a member of the staff of
7 an Office of Inspector General), subject to
8 the requirement that the Special Counsel
9 recuse himself or herself from the consider-
10 ation of any allegation brought under this
11 paragraph.

12 “(ii) COORDINATION WITH EXISTING
13 PROVISIONS OF LAW.—This paragraph
14 does not eliminate access to the Merit Sys-
15 tems Protection Board for review under
16 section 7701 of title 5, United States
17 Code. To the extent that an allegation
18 brought under this subsection involves sec-
19 tion 2302(b)(8) of that title, a failure to
20 obtain corrective action within 120 days
21 after the date on which that allegation is
22 received by the Integrity Committee shall,
23 for purposes of section 1221 of such title,
24 be considered to satisfy section
25 1214(a)(3)(B) of that title.

1 “(C) REGULATIONS.—The Integrity Com-
2 mittee may prescribe any rules or regulations
3 necessary to carry out this paragraph, subject
4 to such consultation or other requirements as
5 might otherwise apply.”.

6 (2) CONFORMING AMENDMENT.—Section 7(b)
7 of the Inspector General Reform Act of 2008 (Public
8 Law 110–409; 122 Stat. 4312; 5 U.S.C. 1211 note)
9 is repealed.

10 (b) AGENCY APPLICABILITY.—

11 (1) AMENDMENTS.—The Inspector General Act
12 of 1978 (5 U.S.C. App.), as amended by section
13 2(a), is further amended—

14 (A) in section 8M—

15 (i) in subsection (a)(1)—

16 (I) by striking the first “agency”
17 and inserting “Federal agency and
18 designated Federal entity”; and

19 (II) by striking the second and
20 third “agency” and inserting “Federal
21 agency or designated Federal entity”;
22 and

23 (ii) in subsection (b)—

24 (I) in paragraph (1), by striking
25 “agency” and inserting “Federal

1 agency and designated Federal enti-
2 ty”; and

3 (II) in paragraph (2)—

4 (aa) in subparagraph (A),
5 by striking “agency” and insert-
6 ing “Federal agency and des-
7 ignated Federal entity”; and

1 (c) REQUIREMENTS FOR INSPECTORS GENERAL

2 WEBSITES.—Section 8M(b)(1) of the Inspector General

3 Act of 1978 (5 U.S.C. App.) is amended—

4 (1) in subparagraph (A), by striking “report or
5 audit (or portion of any report or audit)” and inserting
6 “audit report, inspection report, or evaluation
7 report (or portion of any such report)”; and8 (2) by striking “report or audit (or portion of
9 that report or audit)” and inserting “report (or por-
10 tion of that report)”, each place it appears.

11 (d) CORRECTIONS.—

12 (1) EXECUTIVE ORDER NUMBER.—Section
13 7(c)(2) of the Inspector General Reform Act of 2008
14 (Public Law 110–409; 122 Stat. 4313; 31 U.S.C.
15 501 note) is amended by striking “12933” and in-
16 serting “12993”.17 (2) PUNCTUATION AND CROSS-REFERENCES.—
18 The Inspector General Act of 1978 (5 U.S.C. App.),
19 as amended by section 2(a) and subsection (b), is
20 further amended—

21 (A) in section 4(b)(2)—

22 (i) by striking “8F(a)(2)” and insert-
23 ing “8G(a)(2)”, each place it appears; and
24 (ii) by striking “8F(a)(1)” and insert-
25 ing “8G(a)(1)”;

1 (B) in section 6(a)(4), by striking “infor-
2 mation, as well as any tangible thing)” and in-
3 serting “information), as well as any tangible
4 thing”;

5 (C) in section 8G(g)(3), by striking “8C”
6 and inserting “8D”; and

7 (D) in section 5(a)(13), by striking
8 “05(b)” and inserting “804(b)”.

9 (3) SPELLING.—The Inspector General Act of
10 1978 (5 U.S.C. App.), as amended by section 2(a),
11 subsection (b), and paragraph (2), is further amend-
12 ed—

13 (A) in section 3(a), by striking “subpena”
14 and inserting “subpoena”;

15 (B) in section 6(a)(4), by striking “sub-
16 pena” and “subpenas” and inserting “sub-
17 poena” and “subpoenas”, respectively;

18 (C) in section 8D(a)—

19 (i) in paragraph (1), by striking “sub-
20 penas” and inserting “subpoenas”; and

21 (ii) in paragraph (2), by striking
22 “subpena” and inserting “subpoena”, each
23 place it appears;

24 (D) in section 8E(a)—

(e) REPEAL.—Section 744 of the Financial Services and General Government Appropriations Act, 2009 (division D of Public Law 111-8; 123 Stat. 693) is repealed.

11 SEC. 6. REPORTS REQUIRED.

12 (a) REPORT ON VACANCIES IN THE OFFICES OF IN-
13 SPECTOR GENERAL.—

19 (A) the number and duration of Inspector
20 General vacancies:

(B) an examination of the extent to which
the number and duration of such vacancies has
changed over time;

24 (C) an evaluation of the impact such va-
25 cancies have had on the ability of the relevant

1 Office of the Inspector General to effectively
2 carry out statutory requirements; and

3 (D) recommendations to minimize the du-
4 ration of such vacancies.

5 (2) COMMITTEE BRIEFING REQUIRED.—Not
6 later than nine months after the date of the enact-
7 ment of this Act, the Comptroller General shall
8 present a briefing on the findings of the study de-
9 scribed in subsection (a) to the Committee on Over-
10 sight and Government Reform of the House of Rep-
11 resentatives and the Committee on Homeland Secu-
12 rity and Governmental Affairs of the Senate.

13 (3) REPORT TO CONGRESS.—Not later than fif-
14 teen months after the date of the enactment of this
15 Act, the Comptroller General shall submit a report
16 on the findings of the study described in subsection
17 (a) to the Committee on Oversight and Government
18 Reform of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs of the Senate.

21 (b) REPORT ON ISSUES INVOLVING MULTIPLE OF-
22 FICES OF INSPECTOR GENERAL.—

23 (1) EXAMINATION REQUIRED.—The Council of
24 the Inspectors General on Integrity and Efficiency
25 shall conduct an analysis of critical issues that in-

1 involve the jurisdiction of more than one individual
2 Federal agency or entity to identify—

3 (A) each such issue that could be better
4 addressed through greater coordination among,
5 and cooperation between, individual Offices of
6 Inspector General;

7 (B) the best practices that can be em-
8 ployed by the Offices of Inspector General to in-
9 crease coordination and cooperation on each
10 issue identified; and

11 (C) any recommended statutory changes
12 that would facilitate coordination and coopera-
13 tion among Offices of Inspector General on crit-
14 ical issues.

15 (2) REPORT TO CONGRESS.—Not later than one
16 year after the date of the enactment of this Act, the
17 Council of the Inspectors General on Integrity and
18 Efficiency shall submit a report on the findings of
19 the analysis described in subsection (a) to the Com-
20 mittee on Oversight and Government Reform of the
21 House of Representatives and the Committee on
22 Homeland Security and Governmental Affairs of the
23 Senate.

1 **SEC. 7. PUBLIC RELEASE OF MISCONDUCT REPORT.**

2 (a) PUBLIC RELEASE BY INSPECTORS GENERAL OF

3 REPORT OF MISCONDUCT.—Section 4(a) of the Inspector

4 General Act of 1978 (5 U.S.C. App.) is amended—

5 (1) in paragraph (4), by striking “; and” and

6 inserting a semicolon;

7 (2) in paragraph (5), by striking the period and

8 inserting “; and”; and

9 (3) by inserting at the end the following new

10 paragraph:

11 “(6) to make publicly available not later than

12 60 days after issuing a final report on any adminis-

13 trative investigation that confirms misconduct, in-

14 cluding any violation of Federal law and any viola-

15 tion of Federal agency policy, by any member of the

16 Senior Executive Service, employee in a position that

17 is excepted from the competitive service because of

18 its confidential, policy-determining, policy-making, or

19 policy-advocating character, or commissioned officer

20 in the Armed Forces in pay grades O–6 and above

21 (ensuring that information protected under section

22 552 of title 5, United States Code (commonly known

23 as the ‘Freedom of Information Act’), section 552a

24 of title 5, United States Code (commonly known as

25 the ‘Privacy Act of 1974’), and section 6103 of the

26 Internal Revenue Code of 1986 is not disclosed).”.

1 (b) REPORTS OF MISCONDUCT IN SEMIANNUAL RE-
2 PORTS.—Section 5(a) of the Inspector General Act of
3 1978 (5 U.S.C. App.), as amended by section 2(a)(2) is
4 further amended—

5 (1) in paragraph (16), by striking “; and” and
6 inserting a semicolon;

7 (2) in paragraph (17), by striking the period at
8 the end and inserting “; and”; and

9 (3) by inserting at the end the following new
10 paragraph:

11 “(18) a list of and summary of any administra-
12 tive investigation that confirms misconduct, includ-
13 ing any violation of Federal law and violation of any
14 Federal agency policy, by any member of the Senior
15 Executive Service, employee in a position that is ex-
16 cepted from the competitive service because of its
17 confidential, policy-determining, policy-making, or
18 policy-advocating character, or commissioned officer
19 in the Armed Forces in pay grades O–6 and above.”.

